

REMARKS

Claims 1-5, 7-9, 11-18, 20-22, 24-31, 33-35, and 37-39 are pending in the present application. Claims 6, 10, 19, 23, 32, and 36 are canceled. Claims 1, 3, 7-9, 13, 14, 16, 20-22, 26, 27, 29, 33-35, and 39 are amended. Reconsideration of the claims is respectfully requested.

I. 35 U.S.C. § 112, Second Paragraph, Claims 6-9, 19-22, and 32-35

The Examiner has rejected claims 6-9, 19-22, and 32-35 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, which applicants regard as the invention. This rejection is respectfully traversed.

In construing the meaning of a claim limitation, it is entirely proper to look to the specification in order to interpret what the inventor intended by the claim term. *In re Sneed*, 710 F.2d 1544, 1548, 218 U.S.P.Q. 385, 388 (Fed. Cir. 1983) ("It is axiomatic that, in proceedings before the PTO, claims in an application are to be given their broadest reasonable interpretation consistent with the specification, . . . , and that claim language should be read in light of the specification as it would be interpreted by one of ordinary skill in the art."); *In re Marosi*, 710 F.2d 799, 802-03, 218 U.S.P.Q. 289, 292 (Fed. Cir. 1983) ("It is well established that 'claims are not to be read in a vacuum, and limitations therein are to be read in light of the specification . . .'"); *In re Ehrreich*, 590 F.2d 902, 907, 200 U.S.P.Q. 504, 508 (CCPA 1979). In this case, the above rejected claims do particularly point out and distinctly claim the subject matter that applicants regard as the invention, especially when read in light of the specification.

Amended independent claim 1, reads as follows:

1. A method comprising:
 - receiving identifying information for at least one recipient telephone customer account;
 - receiving an indication of a feature to be transferred from a transferring telephone customer account to the at least one recipient telephone customer account;
 - transferring the feature from the transferring telephone customer

account to the at least one recipient telephone customer account based on an exchange rate, wherein the feature includes at least one of a call waiting, call forwarding, enhanced voice mail service, and a number of call minutes, and wherein the exchange rate specifies a first value for the feature in the at least one recipient telephone customer account and a second value for the feature in the transferring telephone customer account, and wherein a value difference between the first value and the second value is applied to the at least one recipient telephone customer account.

Dependent claims 6, 19, and 32 are canceled. The limitation recited in claims 6, 19, and 32 is incorporated into independent claims 1, 14, and 27, respectively. Therefore, the rejection of claims 6, 19, and 32 is moot. Amended dependent claims 7-9, which are representative of amended dependent claims 20-22 and 33-35, read as follows:

7. The method of claim 1, wherein the number of call minutes are transferred on a periodic basis.
8. The method of claim 1, wherein the number of call minutes include mobile airtime minutes.
9. The method of claim 1, wherein the number of call minutes include long distance minutes.

In rejecting claims 6-9, 19-22, and 32-35, the Examiner stated that "[t]he claimed feature is limited to one including call forwarding, call waiting and voice mail service and these claims are directed to a feature (prepaid) not compatible with the previous features or fail to provide continuity or any leakage." Office Action, page 2.

"The present invention provides a method, computer program product, and apparatus for transferring call minutes or other services from one customer's account to another." Specification, page 14, lines 26-28. In other words, the claimed invention recited in claims 1 and 7-9, allows the transfer of services or features from one account to another. In the context of the specification, the terms services and features are synonymous with one another. Consequently, call forwarding, call waiting, voice mail, and call minutes may be classified as a service or as a feature that is provided by a mobile telephone service provider. Thus, as a result of call forwarding, call waiting, voice mail,

and call minutes all being classified as a service or feature, there is continuity or linkage between all the above listed services or features.

Claim 1 defines feature to include at least one of a call waiting, call forwarding, enhanced voice mail service, and a number of call minutes. Claims 7-9 further define the number of call minutes to include mobile airtime minutes, long distance minutes, and transference on a periodic basis. In other words, claim 1 defines call waiting, call forwarding, voice mail, and call minutes as a feature. Claims 7-9 merely further limit the call minutes recited in claim 1. Therefore, Claims 1 and 7-9 all recite and define features of the present invention that are compatible and are linked with one another.

Accordingly, the rejection of claims 7-9, 20-22, and 33-35 under 35 U.S.C. § 112, second paragraph, has been overcome.

II. 35 U.S.C. § 102, Anticipation, Claims 1, 3-5, 14, and 16-18

The Examiner has rejected claims 1, 3-5, 14, and 16-18 under 35 U.S.C. § 102 as being anticipated by Amin et al., U.S. Patent No. 5,845,207 ("Amin"). This rejection is respectfully traversed.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). All limitations of the claimed invention must be considered when determining patentability. *In re Lowry*, 32 F.3d 1579, 1582, 32 U.S.P.Q.2d 1031, 1034 (Fed. Cir. 1994). Anticipation focuses on whether a claim reads on the product or process a prior art reference discloses, not on what the reference broadly teaches. *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983). In this case, each and every feature of the presently claimed invention is not shown in the cited reference as arranged in the claims.

Independent claim 1 of the present invention, which is representative of independent claim 14, reads as follows:

1. A method comprising:
receiving identifying information for at least one recipient
telephone customer account;

receiving an indication of a feature to be transferred from a transferring telephone customer account to the at least one recipient telephone customer account;

transferring the feature from the transferring telephone customer account to the at least one recipient telephone customer account based on an exchange rate, wherein the feature includes at least one of a call waiting, call forwarding, enhanced voice mail service, and a number of call minutes, and wherein the exchange rate specifies a first value for the feature in the at least one recipient telephone customer account and a second value for the feature in the transferring telephone customer account, and wherein a value difference between the first value and the second value is applied to the at least one recipient telephone customer account.

With regard to claim 1, the Examiner stated:

Regarding claim 1, Amin et al. teaches a service transfer to another telephone account wherein a telephone account can be identified in (see col. 7 lines 38-45, col. 4 lines 1-6); receiving an indication of a feature to be transferred from a transferring telephone customer account to at least recipient telephone account in (see figs 2-3, col. 20 and transferring a feature to the other telephone account wherein the feature could include at least one of call waiting, call forwarding and at least voice mail in (see col. 6 lines 3-18 and col. 8 lines 21-27).

Office Action dated May 26, 2005, pages 2 and 3.

Amin teaches a method in a wireless communication network to receive a feature initiation signal from a first or recipient telephone, update a data record for a second or transferring telephone, and route calls placed to the second or transferring telephone to the first or recipient telephone based on the updated data record. Amin, Abstract. Amin teaches that the operation requires that the customer uniquely and securely identify his or her second or transferring telephone via the first or recipient telephone. Amin, column 7, lines 37-39. In other words, the first or recipient telephone sends an initiation signal to the wireless communication network, the data record of the second or transferring telephone, which has been uniquely and securely identified via the first or recipient telephone, is updated, and the calls placed to the second or transferring telephone are routed to the first or recipient telephone based on the updated data record. Thus, Amin

teaches that the data record of the second or transferring telephone is received by the wireless communication network.

In contrast, claim 1 recites that the identifying information of the recipient telephone is received by the telephone service provider. The recipient telephone recited in claim 1 is analogous to the first telephone as taught by Amin because the first telephone in Amin is the feature recipient. In other words, in Amin, the wireless communication network receives the data record or identifying information of the second or transferring telephone, whereas claim 1 of the present invention recites that the telephone service provider receives the data record or identifying information of the recipient telephone.

Moreover, in Amin, the first telephone benefits from the feature transfer from the second telephone. A profile or data record associated with the second telephone is accessed describing the services configured for the second telephone, and then the services described in the second telephone's profile or data record are provided through the first telephone. Amin, column 2, lines 51-54. Thus, Amin teaches that the features of the second telephone are transferred to the first telephone.

However, the present invention recites in claim 1 that a first telephone transfers features to a second telephone. In other words, the second or recipient telephone benefits from the feature transfer of the first or transferring telephone. But, Amin teaches that the first or recipient telephone benefits from the feature transfer of the second or transferring telephone. Therefore, Amin teaches the direct opposite of what the present invention recites in claim 1.

Additionally, Amin does not teach transferring the feature from the transferring telephone customer account to the at least one recipient telephone customer account based on an exchange rate, wherein the feature includes at least one of a call waiting, call forwarding, enhanced voice mail service, and a number of call minutes, and wherein the exchange rate specifies a first value for the feature in the at least one recipient telephone customer account and a second value for the feature in the transferring telephone customer account, and wherein a value difference between the first value and the second value is applied to the at least one recipient telephone customer account as further recited in amended claim 1. Amin neither makes reference to transferring a feature based on an

exchange rate nor to transferring a number of call minutes. Furthermore, Applicants agree with the Examiner that Amin fails to teach being able to transfer minutes from one account to another. Office Action, page 5.

Therefore, Amin does not identically teach each and every element of the present invention as recited in claim 1. Accordingly, the rejection of independent claims 1 and 14 as being anticipated by Amin has been overcome.

In view of the arguments above, independent claims 1 and 14 are in condition for allowance. As a result, claims 3-5 and 16-18 are dependent claims depending on independent claims 1 and 14, respectively. Consequently, claims 3-5 and 16-18 also are allowable, at least by virtue of their dependence on allowable claims. Furthermore, these dependent claims also contain additional features not taught by Amin.

For example, amended dependent claim 3 of the present invention, which is representative of amended dependent claim 16, reads as follows:

3. The method of claim 1, wherein the identifying information includes a distribution list corresponding to accounts from the at least one recipient telephone customer account, and wherein the distribution list allows for a shared transfer of a same feature among accounts corresponding to the distribution list.

With regard to claim 3, the Examiner stated that, "[r]egarding claims 3 and 16, Amin teaches being able to configure multiple phones to use feature transfer in (see col. 8)." Even though Amin teaches that multiple phones may be configured to use feature transfer, Amin does not teach all the limitations recited in amended claim 3. Specifically, Amin does not teach that the distribution list allows for a shared transfer of a same feature among accounts corresponding to the distribution list as recited in amended claim 3 of the present invention.

Instead, Amin teaches that the second or transferring telephone may be selected from a plurality of telephones identified in a profile associated with the first or recipient telephone. Amin, column 2, lines 27-29. Amin makes no reference to a shared transfer of a same feature among accounts corresponding to a distribution list as is recited in amended claim 3. Further, Amin teaches that the identified profile is associated with the recipient telephone, whereas the distribution list recited in claim 3 is associated with the

transferring telephone. In addition, the profile associated with the recipient telephone in Amin lists a plurality of transferring telephones, whereas the distribution list recited in amended claim 3 lists recipient telephones. Therefore, Amin does not identically teach each and every element recited in amended claim 3 of the present invention.

Accordingly, the rejection of claims 1, 3-5, 14, and 16-18 as being anticipated by Amin has been overcome.

III. 35 U.S.C. § 103, Obviousness, Claims 2, 15, and 27-31

The Examiner has rejected claims 2, 15, and 27-31 under 35 U.S.C. § 103 as being unpatentable over Amin. This rejection is respectfully traversed.

The Examiner bears the burden of establishing a *prima facie* case of obviousness based on the prior art when rejecting claims under 35 U.S.C. § 103. *In re Fritch*, 972 F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). For an invention to be *prima facie* obvious, the prior art must teach or suggest all claim limitations. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). The Examiner has not met this burden because all of the features of these claims are not found in the cited reference as believed by the Examiner. Therefore, Amin does not reach the present invention recited in these claims.

As shown in Section II above, Amin does not teach or suggest all claim limitations recited in independent claims 1 and 14 of the present invention. In particular, Amin does not teach or suggest receiving identifying information for at least one recipient telephone, transferring a feature based on an exchange rate, and transferring a number of call minutes as recited in claims 1 and 14. As a result, claims 2 and 15, which depend on independent claims 1 and 14, respectively, also are allowable at least by virtue of their dependence upon allowable claims.

With regard to independent claim 27, the Examiner uses the same basis of rejection for claim 27 as for the rejection of claims 1 and 14 above. Therefore, the arguments contained in Section II above are relevant to the rejection of claim 27 and are herein applied. Moreover, applicants agree with the Examiner regarding claim 27 that Amin "fails to teach the claimed components implicitly." Office Action, page 4. Hence, independent claim 27 is in condition for allowance. As a result, claims 28-31 are dependent claims depending on independent claims 27. Consequently, claims 28-31 also

are allowable, at least by virtue of their dependence on an allowable claim. Furthermore, these dependent claims also contain additional features not taught by Amin.

For example, dependent claim 28 of the present invention, which is representative of dependent claims 2 and 15, reads as follows:

28. The data processing system of claim 27, wherein the act of receiving the indication of the feature includes the act of:
receiving the indication of the feature as a menu choice.

With regard to claim 28, the Examiner stated:

Regarding claims 2, 15 and 28, Amin teaches receiving the indication querying a user for selection in (see col. 6 lines 31-40) but fails to teach implicitly a menu process even though arguably it could be but for the sake of argument, the examiner takes official notice that it's well known to implement a menu service wherein a user can be prompted based on a menu and activate codes to implement or provide services.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of using prompting a user from a menu as a way to guide a user through the process in order to provide efficiency and provide customer satisfaction.

Office Action dated May 26, 2005, page 4.

Applicants agree with the Examiner that Amin makes no reference to receiving the indication of the feature as a menu choice as recited in claim 28. However, the Examiner takes official notice that a menu service was well known in the prior art at the time of applicants' present invention and that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of using prompting a user from a menu as a way to guide a user through the process in order to provide efficiency and provide customer satisfaction." Applicants respectfully traverse the official notice and request that the Examiner provide either a prior art reference or an affidavit in support of the official notice.

The Examiner must rely on a reference for describing the level of ordinary skill. *In re Pardo*, 684 F.2d 912 (C.C.P.A. 1982). If the applicant traverses such an assertion, the Examiner should cite a reference in support of his position. *In re Malcolm*, 129 F.2d 529 (C.C.P.A. 1942); MPEP § 2144.03. Moreover, if the Examiner is basing the rejection on facts within the Examiner's own personal knowledge, applicants respectfully

request that the Examiner comply with 37 CFR § 1.104(d)(2) and provide support for the Examiner's argument in the form of an affidavit "subject to contradiction or explanation by the affidavits of the applicant or other persons." (37 CFR § 1.104(d)(2)). Otherwise, the Examiner has not met the *prima facie* burden of proving obviousness. Therefore, Amin does not teach or suggest the claim limitation recited in dependent claims 2, 15, and 28.

As a further example, amended dependent claim 29 contains a feature not taught or suggested by the Amin reference. Specifically, Amin does not teach or suggest that the "distribution list allows for a shared transfer of a same feature among accounts corresponding to the distribution list" as recited in amended claim 29 of the present invention. Claim 29 is representative of claims 3 and 16. As a result, the arguments contained in Section II above with regard to claim 3 and 16 are relevant and are herein applied. Consequently, Amin does not teach or suggest all the claim limitations recited in claim 29 of the present invention.

Accordingly, the rejection of claims 2, 15, and 27-31 as being unpatentable over Amin has been overcome.

IV. 35 U.S.C. § 103, Obviousness, Claims 6-9, 11-13, 19-22, 24-26, 32-35, and 37-39

The Examiner has rejected claims 6-9, 11-13, 19-22, 24-26, 32-35, and 37-39 under 35 U.S.C. § 103 as being unpatentable over Amin in view of Katz et al., U.S. Patent No. 6,424,706 ("Katz"). This rejection is respectfully traversed.

As discussed in Section I above, dependent claims 6, 19, and 32 were canceled with their limitation language being incorporated into independent claims 1, 14, and 27, respectively. Hence, the rejection of claims 6, 19, and 32 is moot. As shown in Sections II and III above, Amin does not teach or suggest all claim limitations recited in independent claims 1, 14, and 27. In particular, Amin does not teach or suggest receiving identifying information for at least one recipient telephone, transferring a feature based on an exchange rate, and transferring a number of call minutes as recited in claims 1, 14, and 27 of the present invention.

Katz does not cure the deficiencies of Amin. Katz teaches a method for purchasing, storing, exchanging, converting, transferring, and otherwise advantageously using prepaid stored values accounts, such as telephone call minute accounts containing telecommunication-time units, over a network. Katz, Abstract. Even though Katz teaches the transfer of a number of call minutes from one account to another, Katz does not teach or suggest receiving identifying information for at least one recipient telephone and transferring a feature from a transferring telephone customer account to the at least one recipient telephone customer account based on an exchange rate, wherein the exchange rate specifies a first value for the feature in the at least one recipient telephone customer account and a second value for the feature in the transferring telephone customer account, and wherein a value difference between the first value and the second value is applied to the at least one recipient telephone customer account as recited in claims 1, 14, and 27. Katz makes no reference to the above recited claim features.

Therefore, since neither Amin nor Katz teach or suggest receiving identifying information for at least one recipient telephone and transferring a feature from a transferring telephone customer account to the at least one recipient telephone customer account based on an exchange rate, wherein the exchange rate specifies a first value for the feature in the at least one recipient telephone customer account and a second value for the feature in the transferring telephone customer account, and wherein a value difference between the first value and the second value is applied to the at least one recipient telephone customer account as recited in claims 1, 14, and 27, then the combination of Amin and Katz cannot teach or suggest these recited features. As a result, claims 7-9, 11-13, 20-22, 24-26, 33-35, and 37-39 of the current invention also are allowable at least by virtue of their dependence upon allowable claims. Furthermore, these dependent claims also contain additional features not taught by Amin and Katz.

For example, amended dependent claim 7 of the present invention, which is representative of dependent claims 20 and 33, reads as follows:

7. The method of claim 1, wherein the number of call minutes are transferred on a periodic basis.

With regard to claim 7, the Examiner stated:

Regarding claims 6-9, 19-22 and 32-35, Amin et al. fails to teach being able to transfer minutes from one account to the other.

Katz teaches a method and system for transferring telecommunications time units among accounts and exchanging goods or services where a first subscriber can transfer prepaid time or amount from his/her account to a second subscriber or non subscriber account for that matter for telephony usage in (see col. 2 lines 54-63, fig. 1B (PRIOR ART), col. 7, fig. 4A) via choosing a transfer minutes option of a main menu system, see option (412, 414, 416) of fig. 4. There would be a plurality of accounts and one uniquely identified for transfer of minutes in (see col. 7 lines 1-7). The teaching of Katz is applicable to any phone including landline phones or mobile phones and can be applied to any toll calls.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Katz into that of Amin thus making it possible to transfer any telephone feature to another account for usage of the feature for the advantages disclosed by Katz in (see col. 1 of Katz) to provide transferring of prepaid minutes for customers who might not qualify for prepaid services, find it too expensive, poor credit to receive a phone account in their name and so forth. Also, note Amin further teaches that his teaching can be modifiable in (see col. 8 line 46-54) to possibly include other services or features.

Office Action dated May 26, 2005, pages 5 and 6.

Applicants agree with the Examiner that Amin fails to teach being able to transfer minutes from one account to another. Even though Katz teaches the transfer of a number of call minutes between subscriber accounts, Katz does not teach or suggest all the claim limitations recited in claim 7 of the present invention. In particular, Katz does not teach or suggest that the call minutes are transferred on a periodic basis as recited in claim 7. Katz makes no reference to automatically transferring call minutes from one account to another on a periodic basis as recited in claim 7. Therefore, neither Katz, nor the combination of Amin and Katz, teach or suggest the feature recited in amended claims 7, 20, and 33 of the present invention.

As a further example, dependent claim 12, which is representative of dependent claims 25 and 38, read as follows:

12. The method of claim 1, further comprising:
receiving one of an acceptance and a rejection from the at least one recipient telephone customer account.

With regard to claim 12, the Examiner stated:

Regarding claims 12, 25 and 38, the Examiner takes official notice that updates to features or software wherein a user's consent is needed and approved to proceed is notoriously well known.

Office Action, page 6.

Neither Amin nor Katz teach or suggest receiving an acceptance or rejection of the feature transfer from the at least one recipient telephone customer account as recited in claim 12 of the present invention. But, the Examiner takes official notice that "updates to features or software wherein a user's consent is needed and approved to proceed is notoriously well known." Applicants respectfully traverse the official notice and request that the Examiner provide either a prior art reference or an affidavit in support of the official notice. Therefore, Amin and Katz do not teach or suggest the limitation recited in dependent claims 12, 25, and 38 of the present invention.

As another example, amended dependent claim 13 of the present invention, which is representative of amended dependent claims 26 and 39, read as follows:

13. The method of claim 1, wherein the transferring telephone customer account is associated with a first telephone service provider and the at least one recipient telephone customer account includes a telephone customer account that is associated with a second telephone service provider, and wherein the first telephone service provider has an exchange rate agreement with the second telephone service provider to allow transfer of the feature.

With regard to claim 13, the Examiner stated:

Regarding claims 13, 26 and 39, the service providers of the sending and receiving parties could be the same or different and if different, services can be provided as long as there is agreement between the various network elements. The examiner takes official notice that roaming, long distance calling, prepaid services for toll calls and so forth are possible due to the fact there would be arrangements between various network entities. (figs. ie. fig. 3A of Katz) teaches different network elements.

Office Action dated May 26, 2005, page 7.

Neither Amin nor Katz teach or suggest that the transferring telephone customer account is associated with a first telephone service provider and the at least one recipient telephone customer account includes a telephone customer account that is associated with a second telephone service provider as recited in claim 13 of the present invention. Since Amin and Katz do not teach or suggest that the transferring telephone customer account is associated with a first telephone service provider and the at least one recipient telephone customer account includes a telephone customer account that is associated with a second telephone service provider, then Amin and Katz cannot teach or suggest that the first telephone service provider has an exchange rate agreement with the second telephone service provider to allow transfer of the feature as further recited in amended claim 13. Amin and Katz make no reference to different telephone service providers for the transferring and recipient telephone customer accounts and exchange rate agreements. Therefore, Amin and Katz do not teach or suggest all claim limitations recited in amended dependent claims 13, 26, and 39 of the present invention.

However, the Examiner takes official notice that "roaming, long distance calling, prepaid services for toll calls and so forth are possible due to the fact there would be arrangements between various network entities." Applicants respectfully traverse the official notice and request that the Examiner provide either a prior art reference or an affidavit in support of the official notice.

Accordingly, the rejection of claims 7-9, 11-13, 20-22, 24-26, 33-35, and 37-39 as being unpatentable over Amin in view of Katz has been overcome.


V. Conclusion

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: August 26, 2005

Respectfully submitted,



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